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2
3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 THOMAS LEE JACKSON,

7 Petitioner,

v.

8 JEFFREY A. UTTECHT,

9 Respondent.

10 No. C13-5446 RBL/KLS

11 **REPORT AND RECOMMENDATION**
12 **Noted For: August 2, 2013**

13 On June 7, 2013, Petitioner Thomas Lee Jackson filed a proposed petition for writ of
14 habeas corpus. ECF No. 1. On June 24, 2013, Petitioner paid the \$5.00 filing fee (Receipt No.
15 T-10882). On June 24, 2013, Petitioner filed a motion for leave to proceed *in forma pauperis*
16 (IFP). ECF No. 4. Because Mr. Jackson has paid the filing fee, the Court should deny the IFP
17 application.

18 **DISCUSSION**

19 A district court may permit indigent litigants to proceed *in forma pauperis* upon
20 completion of a proper affidavit of indigency. See 28 U.S.C. § 1915(a). However, the court has
21 broad discretion in denying an application to proceed *in forma pauperis*. *Weller v. Dickson*, 314
22 F.2d 598 (9th Cir. 1963), cert. denied, 375 U.S. 845 (1963). Mr. Jackson paid the \$5.00 filing
23 fee on June 24, 2013. Therefore, his IFP application is moot.

24 **CONCLUSION**

25 Because Mr. Jackson has paid the filing fee, the undersigned recommends that the Court
26 deny his application to proceed *in forma pauperis* (ECF No. 4).

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), Petitioner shall have fourteen
2 (14) days from service of this Report and Recommendation to file written objections thereto. See
3 also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for
4 purposes of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit
5 imposed by Rule 72(b), the Clerk is directed set this matter for consideration on **August 2, 2013**,
6 as noted in the caption.
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8 **DATED** this 8th day of July, 2012.

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12 Karen L. Strombom
United States Magistrate Judge
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